STAFF REPORT HISTORIC AND CULTURAL LANDMARKS COMMISSION CITY OF FORT WORTH, TEXAS

DATE: October 12, 2015 COUNCIL DISTRICT: 5

GENERAL INFORMATION

REQUEST Certificate of Appropriateness

APPLICANT/AGENT City of Fort Worth/ Code Compliance

OWNER Annie Eliza Lewis Estate

LOCATION 5216 Turner Street

ZONING/ USE (S) A-7.5/HC

NEIGHBORHOOD ASSOCIATION Stop Six: Sunrise Edition

ANALYSIS OF PROPOSED WORK

CERTIFICATE OF APPROPRIATENESS

The applicant requests a Certificate of Appropriateness to demolish the main structure.

APPLICABLE ZONING ORDINANCE REQUIREMENTS

Zoning Ordinance Article 5. Section 4.504

- 4. Certificate of appropriateness: demolition or relocation.
 - a. Loss of significance: The historic and cultural landmarks commission may approve a certificate of appropriateness for demolition or relocation when it has determined that the structure is no longer significant. In making this determination, the historic and cultural landmarks commission must find that the owner has established by a preponderance of the evidence that the structure has undergone significant and irreversible changes which have caused the structure to lose the significance and/or quality or features which qualified the structure for historic designation.
 - b. Economic hardship: The owner of a property denied a certificate of appropriateness based on loss of significance shall have the right to introduce evidence to establish that the owner will suffer an unreasonable economic hardship if the certificate of appropriateness is not issue for the demolition or relocation of the structure.
 - i. The owner shall have the burden of establishing by a preponderance of the evidence that an unreasonable hardship exists under the criteria set forth in Section 4.506

- ii. If the historic and cultural landmarks commission finds that the owner has failed to establish by a preponderance of the evidence that an unreasonable economic hardship exists, the certificate of appropriateness shall be denied.
- iii. If the historic and cultural landmarks commission finds that the owner has satisfied by a preponderance of the evidence that an unreasonable economic hardship exists, the certificate of appropriateness may be issued with or without the following conditions. The historic and cultural landmarks commission may delay the issuance of the certificate of appropriateness up to 180 days after the date of the public hearing; may require the preparation of a salvation plan; documentation of the property; and/or the preservation of trees, shrubs and other landscaping of substantial significance. These conditions shall be in compliance with all other city codes and ordinances.
- 5. Certificate of appropriateness, economic hardship:
 - a. If the historic and cultural landmarks commission finds that an owner of a property is not entitled to a certificate of appropriateness as a result of loss of significance, the owner shall have the right to introduce evidence to establish that the owner will suffer an unreasonable economic hardship if the certificate of appropriateness is not issued for the proposed demolition or relocation. The owner shall have the burden of establishing by a preponderance of the evidence that an unreasonable economic hardship exists under the criteria set forth in Section 4.506
 - b. If the owner does not establish that an unreasonable economic hardship exists, the certificate of appropriateness shall be denied.
 - c. If the owner does establish that an unreasonable economic hardship exists, the historic and cultural landmarks commission may delay the issuance of a certificate of appropriateness for up to 180 days from the date of the public hearing and may require the preparation of a salvage plan, documentation of the property and/or the preservation of trees, shrubs and other landscaping of substantial significance. These conditions shall be in compliance with all other city codes and ordinances.

Zoning Ordinance Article 5. Section 4.506- Unreasonable economic hardship: removal, demolition or relocation.

- A. Declaration of unreasonable economic hardship. The historic and cultural landmarks commission may declare that an unreasonable economic hardship exists as a basis for:
 - 1. Recommending removal of the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation; or
 - 2. Issuing a certificate of appropriateness approving the demolition or relocation of property designated or pending designation as highly significant endangered or historic and cultural landmark or located in an area designated or pending designation as an historic and cultural landmarks district.
- B. *Burden of proof.* When a claim of unreasonable economic hardship is made, the owner must prove by a preponderance of the evidence that:

- 1. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;
- 2. The structure or property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and
- 3. The owner has failed to find a purchaser or tenant for the property during the previous two years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.
- C. Claim for historic and cultural landmarks districts. Owners of individual structures or sites located in an historic and cultural landmarks district are entitled to a certificate of appropriateness for demolition or relocation upon proof of unreasonable economic hardship; however, an historic and cultural landmarks district designation shall be removed only from the entire district, upon proof that the designation results in an unreasonable economic hardship to the district as a whole. Individual structures or sites shall not be removed from an historic and cultural landmarks district.
- D. Consultation and search for alternatives. The owner, persons or entities who have executed a sales contract or option contract for purchase of the property, or their representatives, the historic and cultural landmarks commission, local preservation groups and interested parties shall consult in good faith, as outlined in Section 4.504(D) in a diligent effort to seek alternatives that will eliminate the unreasonable economic hardship and preserve the structure or property.
- E. *Proof of hardship:* As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and cultural landmarks commission by affidavit:
 - 1. For all structures and property:
 - a. The past and current use of the structures and property;
 - b. The name and legal status (e.g., partnership, corporation) of the owners;
 - c. The original purchase price of the structures and property;
 - d. The assessed value of the structures and property according to the two most recent tax assessments:
 - e. The amount of real estate taxes on the structures and property for the previous two years;

- f. The date of purchase or other acquisition of the structures and property;
- g. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two years;
- h. All appraisals obtained by the owner or applicant within the previous two years in connection with the owner's purchase, financing or ownership of the structures and property;
- i. Any listing of the structures and property for sale or rent, price asked and offers received;
- j. Any consideration given by the owner to profitable adaptive uses for the structures and property;
- k. Any replacement construction plans for proposed improvements on the site;
- I. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
- m. The current fair market value of the structure and property as determined by a qualified appraiser.
- n. Estimate of the cost of the proposed demolition or relocation (construction and alteration are not applicable to this section) and an estimate of any additional cost that would be incurred to comply with the design guidelines.
- o. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
- 2. For income producing structures and property:
 - a. Annual gross income from the structure and property for the previous two years;
 - b. Itemized operating and maintenance expenses for the previous two years; and
 - c. Annual cash flow, if any, for the previous two years.
- 3. In the event that the historic and cultural landmarks commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and cultural landmarks commission shall notify the owner. Failure by the owner to submit such information to the historic and cultural landmarks commission within 15 days after receipt of such notice, which time may be extended by the historic and cultural landmarks commission, will be grounds for denial of the owner's claim of unreasonable economic hardship.

APPLICABLE STOP SIX DESIGN GUIDELINES

Demolition and Relocation

The intent of the historic district is preserve historic buildings, materials and features. Demolition of a building considered as contributing to the historic character of the district shall be avoided unless a preponderance of evidence can prove that the structure is a threat to the safety of the public or could not reasonably be rehabilitated either structurally or economically. It is not considered reasonable to rehabilitate a structure where the rehabilitation shall leave it devoid of all original materials or features. The relocation of buildings from inside the district to locations outside the district shall be considered in the same manner as demolition for the purposes of considering the appropriateness of the action. Relocation of buildings from outside of the district to a location within the district shall be considered appropriate only when the structure to be moved is architecturally, materially, and dimensionally compatible with the surrounding neighborhood. The demolition and relocation of buildings considered to be noncontributing to the character of the district shall be allowed with the appropriate approvals.

Appropriate

- Removing or demolishing building or site features that do not contribute to the character, integrity or significance of the building or site.
- Removing later additions that cover, harm, or mask original or significant architectural features.
- Demolishing a building found to be a threat to public safety after the appropriate documentation has been completed.
- Demolishing an accessory structure where the demolition would not adversely affect the primary structure or site.
- Replacing demolished buildings in accordance with the guidelines for new construction within this district.

Not Appropriate

- Demolishing historically or architecturally significant buildings or site features that contribute to the district.
- Demolishing a building or site feature that would have a detrimental impact on the public interest or adversely impact the visual character of the block or neighborhood.
- Removing features of a building which contribute to its significance that may leave the building devoid of integrity or character and cause a de facto demolition.
- Demolishing or removing structural elements that would lead to structural deficiencies and demolition by neglect.
- Demolishing a building that is of an old, unusual or uncommon design that could not be reproduced without great difficulty or expense.

FINDINGS/RECOMMENDATIONS

At the July 13, 2015 HCLC meeting, the Commission reviewed a Request for Determination for this site. The Commission determined that the structure cannot be reasonably rehabilitated.

The structure at 5216 Turner Street is a one story residence. Tarrant County Appraisal District lists the structure's construction date as 1940. The structure is a Minimal Traditional Style residence and is identified by its simple rectangular building form, front stoop with shed roof,

asbestos siding, six-over-one wood windows, and low pitched side gable roof. It is a contributing structure in the Stop Six: Sunrise Edition Historic District.

The residence is in poor condition due to deterioration and neglect. The roof is sagging heavily. The exterior walls are bowing. A portion of the rear wall and roof have collapsed. It is unknown how many original windows and doors still exist. The openings are boarded up and only some windows are visible in the rear room with the collapsed exterior wall. Preservation and Code Compliance Staff were unable to view the rest of the interior due to the deteriorated condition of the structure.

Loss of Significance

Per the Historic Preservation Ordinance (Article 5 Section 4.504), the HCLC may approve a certificate of appropriateness for demolition when it has determined that the structure is no longer significant. In making this determination, the historic and cultural landmarks commission must find that the owner has established by a preponderance of the evidence that the structure has undergone significant and irreversible changes which have caused the structure to lose the significance and/or quality or features which qualified the structure for historic designation.

Does the structure still retain any significant exterior architectural features that define the character of the structure and qualify as a contributing structure in the historic district?

Yes. The structure still retains its original building and roof form, and original siding, though it is in disrepair

In its present condition, does the structure still contribute to the historic district? Yes.

What evidence has the applicant provided to support the request for demolition based on loss on historic significance?

The applicant submitted the following items to support their request for demolition.

- Photographs of the existing structures:
- Copy of Tarrant Appraisal District Real Estate Data Sheet;
- Code Compliance Building Survey Report, dated June 11, 2015.

Unreasonable Economic Hardship

Can the owner make reasonable beneficial use of or realize a reasonable rate of return on the site, regardless of whether that return represents the most profitable return possible, if the demolition is not allowed?

Unknown.

Can the structure be reasonably adapted for any other feasible use, whether by the current owner of by a purchaser, which would result in a reasonable rate of return?

The site is zoned A-7.5, Single family. The property owner could rehab this structure or construct a new single family residence.

Has sale of the property been considered or attempted? Unknown.

What evidence has the applicant provided to support the request for demolition based on loss on economic hardship?

The applicant submitted the following items to support their request for demolition.

- Photographs of the existing structures;
- Copy of Tarrant Appraisal District Real Estate Data Sheet;
- Code Compliance Building Survey Report, dated June 11, 2015.

What was the original purchase price of the property?

Unknown

What are the current values on the property?

According to Tarrant County Appraisal, the land value on this property is \$5,000. The improvements value is listed as \$100. Total property value is \$5,100.

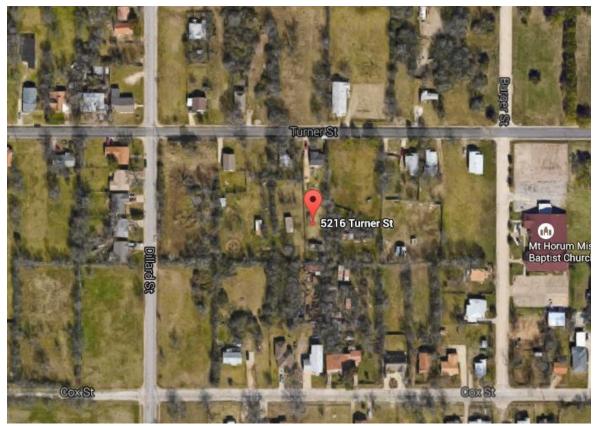
What is the estimated cost of demolition?

Unknown

What are the future plans for the site?

Unknown.

SUPPLEMENTAL INFORMATION



Aerial



Existing North (front) Façade of Structure

Additional Images































COA15-74









Building Survey Report

FORT WORTH	CITY OF FORT WORTH CODE COMPLIANCE DEPARTMENT BUILDING SURVEY	r ()
	ner Street (Main	Categor
Legal Description: SUNGSE F	Tax Account No.:	
	Family Residence Multifamily Residen	nce Boarding House # of Units
Commercial Indus	trial Accessory	Other Use
X Frame Brick Stone	Concrete Concrete Brick	Metal Story
	nt Open	
who may be contacted at (817) 392_8587. Viol comply with the City of Fort Worth Code of Article IX, Multi-family Inspection Code. The Officer determined: a Building Permi is / are necessary. Permits must be obtained Department of Development upon completion of	by Code Compliance Offications observed by the Officer are marked be Ordinances, Chapter 7, Article IV, Minimum It; X an Electrical Per by an appropriately licensed contractor. Each of their specific work. When all violations have a Department. Vacant structures may not be ince Department.	elow. The violation(s) must be corrected to Building Standards Code and/or Chapter 7, mit; or Mechanical Permit contractor must obtain an inspection from the been corrected, the owner must call for a
An Interior Increasing in President	V	ed on <u>(olul 201</u> 5 by Officer <u>M. Hall/E243</u> search Warrant. * Not required feedings
owner: Simbon Lewis S	r. Ftal	Phone:
Address: 3916 McGloth	r. Etal Lenway Richmond	CA zip: 94806-1806
Should the property be re-inspected after the	DL#_ pperty referenced herein shall be required to at day and be identified to have Code violat urt citations or further administrative actions.	ions, I also acknowledge that entering into
CORRECTIONS MUST BE MADE TO THE		
SMOKE DETECTORS: Missing	Inoperative Improperly Located	Additional Detectors Required
APPROVED ADDRESS NUMBERS PLACE	D ON BUILDING:Yes 🐰 No	
EXTERIOR WALLS: Wood Fire Dmg Rotten Boards Loose Missing Siding Broken Missing Holes Breaches Cracks Buckled Leans Brick Loose Missing	Rotten Wood on Overhang Rotten Rafter Tails Rotten Decking	FOUNDATION: X Appears Inadequate Support Rotten Wood Piers - X Lean Missing Cracks in Perimeter Wall Cracks in Slab Missing Skirting
C Damaged Paint Other	₭ Deteriorated Shingles ✗ Sags 샟 Buckled ✗ Collapsed 샟 Holes ✗ Damaged Paint Other	Missing Access Cover

PROPERTY ADDRESS: 5216 Turner Street (Min) (6-11-2015) Page 2 of 3				
WINDOWS:	PORCHES:	STEPS:		
Fire Damaged Wood Rotten V	Vood_ Fire Damaged Wood	Fire Damaged Wood		
Broken Glass	X Rotten Wood	Rotten Wood		
Glass Shards Not Removed	Missing Boards	Missing Boards		
Screens Missing Damaged	Inadequate Support	Inadequate Support		
Burglar Bars w/No Release	Support Post Loose	Handralls		
✓ Bedroom Windows Boarded	K Support Post Missing	Missing Loose		
Damaged Paint	Damaged Paint	Damaged Paint		
Other		Cracks / Damaged Concrete		
	Brick Loose Missing	Brick Loose Missing		
	Other	Other		
DOORS	LAVATORY:	BATHTUB / SHOWER:		
Fire Damaged Wood	Missing	Missing		
X Rotten Wood	Damaged	Danyaged		
Damaged Missing	Loose From Wall	Stopped Up		
Off Hinges	Faucets Leak Broken	Faucets \ Leak Broken		
Poor Fit	Loos	Loose Missing		
Broken Glass	Supply LineLeaks Missing	Damaged Tub/Shower Stall		
Glass Shards Not Removed	Non-conforming Waste Line	Other		
Other	Other			
WATER CLOSET:	KITCHEN SINK:	WATER HEATER:		
Missing	Missing	Gas Electric		
No Anti-Siphon Ball Cock	Damaged	Missing Disconnected		
Shopped Up	Shopped Up	Temp/Pressure Relief Valve		
Poorly Anchored	Faucète Leak Broken	Missing Damaged		
Water Lèaks	Laose Missing	Drain Line Missing		
Runs Constantly	TrapLeaks Missing	\Not Approved Pipe		
Tank Broken Cracked	Supply Line Leaks Supply Line Masing	Not Extended Outside		
Bowl Broken Cracked	Non-conforming Waste Line	Not Elbowed Down		
Missing Flush Handle	Damaged Backsplash	Vent Leaks Missing		
Supply Line Disconnected	Damaged Counterto	Non-confirming Vent		
Seat Broken Missing	•	Inadequate Combustion Air		
Other	Other	No Gas Cut Off		
		Missing Fire Box Door		
	-	Gas Supply Line Not Approved		
		Gas Fired Located in Bed / Bath room		
		Temp Control – Missing		
		DamagedInoperable		

PROPERTY ADDRESS: 5216 TWO USTRE	f (Main) (6-11-2015) Page 3 of 3
PLUMBING MISCELLANEOUS:	MECHANICAL:
Nopen Clean Out	Fire Damaged
Water Leak Outside	Non-conforming Gas Line to Space Heater
Under Building Yard	Non-onforming Gas Line to Kitchen Stove
Vent Stack Missing Broken	A.C. / Heat Thermostat Control Missing
Not Extended Through Roof	Damaged Inoperable
Sewer Line Stopped Up	No Vent Fan or Window In Bathroom
Running Out on Ground	Bathroom Vent Fan Damaged Missing
Other	Inoperable
	Other
INTERIOR WALLS AND CEILINGS:	FLOORS:
Fire Damaged Wood	Damaged
Cracks	Fire Damaged Wood
Holes	Rotten Wood
Mold / Milbew	Missing Boards
Water Damage Smoke Damage	Holes Cracks
Fire Damage	Buckled
Ceiling Appears to Leak	Not Level \
No Impervious Material Around Bathtub	No Impervious Material On Bathroom Floor
Bathtub / Shower Enclosure Damaged	Other
Other	
ELECTRICAL SERVICE:	Exterior Lights Damaged Missing
Service Panel Burned	Non-conforming Wiring
Service Missing Not Grounded	Other
Missing Breakers Fuses	APPLIANCES:
Missing Interior Panel Exterior Panel	Stove Missing Damaged
Exposed Wiring Fire Damaged	Inoperable
Non-conforming Wiring In Panel	Refrigerator Missing Damaged
Burned Wiring Outlets Switches	Inoperable
Fixtures	Exhaust Fan Missing Damaged
No GFCI Over Kitchen Counter Space	Inoperable
No GFCI In Bathroom Circuit	Disposal Missing Damaged
Outlets Missing Loose Damaged	Inoperable
Switches Missing Loose Damaged	Dishwasher Missing Damaged
Fixtures Missing Loose Damaged	Inoperable
Outlet Covers Missing Loose Damaged	Other
Switch Covers Missing Loose Damaged	MISCELLANEOUS:
Extension Cords in Place of Permanent Wiring	* see supplemental*

PROPERTY ADDRESS: 5216 LUM NSTRUH Main 1611-205) SUPPLEMENTAL PAGE
PROPERTY ADDRESS: 5216 LUYNING STRUHMOIN ULT 11-205) SUPPLEMENTAL PAGE
* Exterior only inspection of Istory, Single family
wood frame w/ wood siding & composite moting shingles
Structure conducted on June 14 2015
* Symposis - CATI status; structure has a partially
collapsed roof, western side wall has a
portion that has completely collapsed inwards.
All construction components observed that are
comprised of wood are rotten and severely deteriorated.
Some are to the extent of decry that they can no
longer support the structure in their respective capacity
* Roofing Shingles are missing andlor severely
deteriorated and provide little form weather protection
* Vegetation around the property/structure is so dense
that 60% of the structure is not own visible, a large
tree limb has also fallen onto to roof and coused
furtherdamage
Froperty / Structure has not been occupied or cared
for nor had any matterage or improvements made
in over 10 years.
* TAD listed anner is reported as deceased, property
taxes are delinquent
* By: M. HALL ED43
Code Enforcement Officer
City of Fort Worth
0.190

Tarrant Appraisal District

Real Estate

07/09/2015

Account Number: 04704223 Georeference: 40820-14-4-12

Property Location: 5216 TURNER ST, FORT WORTH, 76105

Owner Information: LEWIS SIMEON ETAL SR

3916 MCGLOTHEN WAY RICHMOND CA 94806-1806

1 Prior Owners

Legal Description: SUNRISE ADDITION

Block: 14 Lot: 4 BLK 14 LOT 4 LESS NEC AKA: WEST 68' OF LOT 4

026 CITY OF FORT WORTH Taxing Jurisdictions:

220 TARRANT COUNTY 905 FORT WORTH ISD

223 REGIONAL WATER DISTRICT 224 TARRANT COUNTY HOSPITAL 225 TARRANT COUNTY COLLEGE

This information is intended for reference only and is subject to change. It may not accurately reflect the complete status of the account as actually carried in TAD's database

Proposed Values for Tax Year 2015

	Land	Impr	2015 Total ††
Market Value	\$5,000	\$100	\$5,100
Appraised Value †	\$5,000	\$100	\$5,100
Approximate Size †††			864
Land Acres			0.4261
Land SqFt			18,559

[†] Appraised value may be less than market value due to state-mandated limitations on value increases

5-Year Value History

Tax Year	Appraised Land	Appraised Impr	Appraised Total	Market Land	Market Impr	Market Total
2014	\$5,000	\$100	\$5,100	\$5,000	\$100	\$5,100
2013	\$5,000	\$100	\$5,100	\$5,000	\$100	\$5,100
2012	\$5,000	\$100	\$5,100	\$5,000	\$100	\$5,100
2011	\$9,600	\$100	\$9,700	\$9,600	\$100	\$9,700
2010	\$9,600	\$100	\$9,700	\$9,600	\$100	\$9,700

2015 Notice Sent:

Protest Deadline:

Exemptions:

Property Data:

Deed Date: 07/29/1972 Deed Page: Deed Volume: 0000000 Instrument: 00000000000000

Year Built: 1940 Pct Complete: 1.00 **TAD Map:** 2078-380 **MAPSCO:** TAR-079T

Agent: LEWIS SIMEON

State Code: A Residential SingleFamily Garage Bays: 0

Central Air: N Central Heat: N Pool: N

^{††} A zero value indicates that the property record has not yet been completed for the indicated tax year

^{†††} Rounded